REMARKS

The applicants have carefully considered the official action mailed on December 7, 2007, and the reference cited therein. In the official action, claims 1-24 were rejected under 35 U.S.C. § 102(e) as anticipated by Ruf (U.S. 6,665,865), and the specification was objected to for containing trademarked terms not accompanied by their respective generic terminology to preserve the proprietary nature of the marks. By way of this response, the applicants have amended paragraphs [0003], [0004], [0006], [0016], [0017], [0018], [0020], and [0021] of the specification. The applicants respectfully request entry of the foregoing amendments to the specification to place the application in better condition for appeal. In view of the foregoing amendments and the following remarks, the applicants respectfully traverse the rejections and the objections to the specification.

I.   Objections to The Specification

By way of this response, the applicants have amended paragraphs [0003], [0004], [0006], [0016], [0017], [0018], [0020], and [0021] of the specification by capitalizing the term JAVA and using the term in connection with its generic terminology. The applicants respectfully submit that this application complies with the formalities concerning uses of trademarks, and the applicants respectfully request withdrawal of the objections to the specification.

II.   Rejections under 35 U.S.C. § 102

The applicants respectfully submit that independent claim 1 is allowable over the art of record. Claim 1 is directed to a method that involves, *inter alia*, determining an age of an equivalence class. The applicants maintain their position that Ruf does not describe or suggest determining an age of an equivalence class. The examiner

maintains the position that Ruf describes this element by suggesting that Ruf's method of marking methods with numbers identifying different thread allocation sites constitutes determining an age of an equivalence class. *See Final Office Action dated December 7, 2007*, ¶ 9. In Ruf, the numbers used to identify different thread allocation sites are used to associate methods with the thread allocation sites. *Ruf*, 7:13-16. The thread allocation site identifier numbers are not indicators of age. As described by Ruf, each thread allocation site is assigned a number that uniquely identifies that thread allocation site. *Id.*, 7:13-16. Each thread allocation site is configured to create one or more threads. *Id.*, 6:28-30. A thread allocation site number is used to mark one or more methods that can be executed by a thread instantiated by the thread allocation site corresponding to the thread allocation site number. *Id.*, 7:16-18. That is, the thread allocation site numbers are used to associate methods with one or more thread allocation sites. *Id.*, 7:18-22. Such associations do not constitute indicating an age of an equivalence class, much less determining an age of an equivalence class.

In the official action, the examiner supports his position by reasoning that "T1 is allocated prior to T2; the oldest procedure associated with the thread allocation site is a determination of age." *See Final Office Action dated December 7, 2007*, ¶ 9. However, this language or reasoning is nowhere to be found in Ruf. Although Ruf describes a thread identified as "Thread1" and a thread identified as "Thread2," Ruf does not describe that the numbers "1" and "2" are indicators of age. Ruf does not describe how the numbers used to identify thread allocation sites are generated or assigned. In Ruf, the assigned numbers "1" and "2" are not necessarily indicators of

age. For example, thread allocation site numbers could be randomly generated and randomly assigned regardless of age.

Further, while the applicants do not concede that the thread allocation site numbers are indicators of age, Ruf nonetheless does not describe or suggest using the thread allocation site numbers to determine age. That is, none of the Ruf processes are described as determining an age. In contrast, claim 1 recites determining an age of an equivalence class. Thus, regardless of what the numbers "1" and "2" may represent in "Thread1" and "Thread2," it is impermissible to ignore the claim language of determining an age as recited in claim 1. Ruf does not describe each and every element of claim 1 and, thus, cannot anticipate claim 1.

In view of the foregoing, the applicants respectfully submit that Ruf does not describe or suggest determining an age of an equivalence class. Accordingly, the applicants respectfully submit that independent claim 1 and all claims dependent thereon are in condition for allowance.

The applicants respectfully submit that independent claims 9 and 17 are also allowable over the art of record for at least the reason discussed above in connection with claim 1. In particular, independent claim 9 is directed to a system having, *inter alia*, a processor coupled to a memory and configured to determine an age of an equivalence class. For at least the reasons discussed above in connection with claim 1, Ruf does not describe or suggest a processor coupled to a memory and configured to determine an age of an equivalence class. Independent claim 17 is directed to a machine accessible medium having instructions stored thereon that, when executed, cause a machine to, *inter alia*, determine an age of an equivalence class. For at least the reasons discussed above in connection with claim 1, Ruf does not describe or

suggest instructions that, when executed, cause a machine to determine an age of an equivalence class. Accordingly, the applicants respectfully submit that independent claims 9 and 17 and all claims dependent thereon are in condition for allowance.

III. Conclusion

For at least the foregoing reasons, the applicants respectfully submit that all pending claims are in condition for allowance. If there are any remaining issues in this application, the applicants invite the examiner to contact the undersigned attorney at the number listed below.

The Commissioner is authorized to charge any deficiency in the enclosed check toward payment of any fee due for the filing of this paper to deposit account number 50-2455.

Respectfully submitted,

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